

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

LATRELL ADAMS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08-cv-154-DCB-MTP

**CHRISTOPHER EPPS, J. BANKS,
SANDRA JACKSON AND B. SHUCKROW**

DEFENDANTS

ORDER

This cause comes before this court on plaintiff's Motion for Preliminary Injunction [4].

The Court upon consideration of the Plaintiff's motion, has come to the following conclusion.

In order to obtain injunctive relief, a Plaintiff must satisfy the stringent test set forth in *Mississippi Power & Light Co. v. United Gas Pipe Co.*, 760 F.2d 618 (5th Cir. 1985)(citing *Canal Authority of State of Florida v. Callaway*, 489 F.2d 567 (5th Cir. 1974)). The granting or denial of a motion for a preliminary injunction and/or temporary restraining order rests in the sound discretion of the trial court. *Canal Authority of State of Florida v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). However, the movant bears the burden of satisfying the four prerequisites for the extraordinary relief of a preliminary injunction and/or temporary restraining order. *Id.* at 572. The four prerequisites are: (1) a substantial likelihood that Plaintiff will prevail on the merits; (2) a substantial threat that Plaintiff will suffer irreparable injury if the injunction is not granted; (3) the threat and injury to Plaintiff outweighs the threat and harm the injunction may do to Defendants; and (4) granting the injunction will not disserve the public interest. *Id.* at 572. Each requirement must be met before the Court can grant such a drastic remedy as a preliminary injunction and/or temporary restraining order. *Mississippi Power & Light Co.*, 760 F.2d at 621. In considering these prerequisites the Court must bear in mind that a

preliminary injunction and/or temporary restraining order is an extraordinary and drastic remedy which should not be granted unless the movant clearly carries the burden of persuasion. The primary justification for applying this remedy is to preserve the Court's ability to render a meaningful decision on the merits. *Canal Authority of State of Florida*, 489 F.2d at 573. This Court concludes that it will be able to render a meaningful decision without granting a preliminary injunction and/or temporary restraining order. There is no substantial threat that Plaintiff will suffer irreparable injury if the preliminary injunction and/or temporary restraining order is not granted.

Hence, in light of the foregoing prerequisites and standards, it is clear that Plaintiff's motion for a preliminary injunction, should be denied without a hearing. Therefore, it is hereby, ORDERED that Plaintiff's Motion for Preliminary Injunction [4] is **DENIED**.
SO ORDERED, this the 16th day of April, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE